

SEC. 2. CONDITION.

The advice and consent of the Senate to the ratification of the Agreement is subject to the condition that the Secretary of State shall promptly notify the Committee on Environment and Public Works and the Committee on Foreign Relations of the Senate in any instance that, pursuant to Article 3 of the Agreement, the Contracting Parties modify the area to which the Agreement applies. Any such notice shall include the text of the modification and information regarding the reasons for the modification.

TREATY DOC. 108-1, AGREEMENT AMENDING TREATY WITH CANADA CONCERNING PACIFIC COAST ALBACORE TUNA VESSELS AND PORT PRIVILEGES (EXEC. REPT. NO. 108-7)

Text of Committee Recommended Resolution of Ratification:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Agreement Amending the Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges, done at Washington May 26, 1981, and effected by an exchange of diplomatic notes at Washington July 17, 2002, and August 13, 2002 (T. Doc. 108-1).

TREATY DOC. 108-2, AMENDMENTS TO THE 1987 TREATY ON FISHERIES WITH PACIFIC ISLAND STATES. (EXEC. REPT. NO. 108-7)

Text of Committee Recommended Resolution of Ratification:

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT
SUBJECT TO A DECLARATION.

The Senate advises and consents to the ratification of the Amendments to the 1987 Treaty on Fisheries Between the Governments of Certain Pacific Island States and the United States of America, which Annexes and Agreed Statements, done at Port Moresby, April 2, 1987, done at Koror, Palau, March 30, 1999, and at Kiritimat, Kiribati March 24, 2002 (T. Doc. 108-2), in this resolution referred to as the "Amendments", subject to the declaration in section 2.

SEC. 2. DECLARATION.

The advice and consent of the Senate to the ratification of the Amendments is subject to the following declaration: The advice and consent provide under section 1 is without prejudice to any position the Senate may take with respect to providing advice and consent to ratification of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, signed by the United States on September 9, 2000.

TREATY DOC. 106-45, CONVENTION FOR INTERNATIONAL CARRIAGE BY AIR (EXEC. REPT. NO. 108-8)

Treaty of Committee Recommended Resolution of Ratification:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air, signed at Warsaw on October 12, 1929, done at The Hague on September 28, 1955 (T. Doc. 107-14).

TREATY DOC. 107-14, PROTOCOL TO AMEND THE CONVENTION FOR UNIFICATION OF CERTAIN RULES RELATING TO INTERNATIONAL CARRIAGE BY AIR (EXEC. REPT. NO. 108-8)

Text of Committee Recommended Resolution of Ratification:

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT
SUBJECT TO RESERVATION.

The Senate advises and consents to the ratification of the Convention for the Unification of Certain Rules for International Carriage by Air, done at Montreal May 28, 1999 (T. Doc. 106-45, in this resolution referred to as the "Convention"), subject to the reservation in section 2.

SEC. 2. RESERVATION.

The advice and consent of the Senate to the ratification of the Convention is subject to the following reservation, which shall be included in the instrument of ratification: Pursuant to Article 57 of the Convention, the United States of America declares that the Convention shall not apply to international carriage by air performed and operated directly by the United States of America for non-commercial purposes in respect to the functions and duties of the United States of America as a sovereign state.

INTRODUCTION OF BILLS AND
JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 1479. A bill to amend and extend the Irish Peace Process and Cultural Training Program Act of 1998; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. 1480. A bill to amend the Buy American Act to increase the requirement for American-made content, to tighten the waiver provisions, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LEAHY (for himself, Mr. JEFFORDS, Mrs. FEINSTEIN, and Mr. KENNEDY):

S. 1481. A bill to prohibit the application of the trade authorities procedures with respect to implementing bills that contain provisions regarding the entry of aliens; to the Committee on Finance.

By Mr. INOUE (for himself, Mr. STEVENS, and Mr. COCHRAN):

S. 1482. A bill to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Finance.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. HARKIN, Ms. MIKULSKI, Mr. JEFFORDS, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, Mr. EDWARDS, Mrs. CLINTON, Mr. ROCKEFELLER, and Mr. DASCHLE):

S. 1483. A bill to amend the Head Start Act to reauthorize that Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN:

S. 1484. A bill to require a report on Federal Government use of commercial and other databases for national security, intelligence, and law enforcement purposes, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. HARKIN, Mr. SCHUMER, Mr. LEAHY, Mr. DAYTON, Mr. DURBIN, Mr. REID, Mr. DODD, Mr. SARBANES, Ms. STABENOW, Ms. MIKULSKI, and Mrs. CLINTON):

S. 1485. A bill to amend the Fair Labor Standards Act of 1938 to protect the rights of employees to receive overtime compensation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CHAFEE (for himself and Mr. JEFFORDS):

S. 1486. A bill to amend the Toxic Substances Control Act and the Federal Insecticide, Fungicide, and Rodenticide Act to implement the Stockholm Convention on Persistent Organic Pollutants, the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; to the Committee on Environment and Public Works.

By Mr. SPECTER:

S. 1487. A bill to require the Secretary of the Army to award the Combat Medical Badge or another combat badge for Army helicopter medical evacuation ambulance (Medevac) pilots and crews; to the Committee on Armed Services.

By Mr. BINGAMAN:

S. 1488. A bill to establish the Native American Entrepreneurs Program to provide \$3,000,000 in grants annually to qualified organizations to provide training and technical assistance to disadvantaged Native American entrepreneurs; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND
SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. AKAKA, Mr. ALLEN, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BUNNING, Mr. CAMPBELL, Ms. CANTWELL, Mr. CARPER, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mrs. LINCOLN, Mr. LUGAR, Ms. MIKULSKI, Mr. MILLER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. REID, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SESSIONS, Mr. SMITH, Ms. SNOWE, Mr. STEVENS, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, Mr. KERRY, and Mr. LEVIN):

S. Res. 204. A resolution designating the week of November 9 through November 15, 2003, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 138

At the request of Mr. ROCKEFELLER, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 138, a bill to temporarily increase the Federal medical assistance percentage for the Medicaid program.

S. 215

At the request of Mrs. FEINSTEIN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 215, a bill to authorize funding assistance for the States for the discharge of homeland security activities by the National Guard.

S. 486

At the request of Mr. DOMENICI, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 486, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 569

At the request of Mr. ENSIGN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 569, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 678

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 678, a bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 720

At the request of Mr. JEFFORDS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 720, a bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety.

S. 736

At the request of Mr. ENSIGN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 741

At the request of Mr. SESSIONS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 741, a bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 874

At the request of Mr. TALENT, the names of the Senator from Maine (Ms. SNOWE), the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 950

At the request of Mr. ENZI, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 950, a bill to allow travel between the United States and Cuba.

S. 982

At the request of Mrs. BOXER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 982, a bill to halt Syrian support for

terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 985

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 1020

At the request of Mr. KOHL, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1020, a bill to amend the Child Nutrition Act of 1966 and the Richard B. Russell National School Lunch Act to improve the school breakfast program.

S. 1021

At the request of Mr. KOHL, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1021, a bill to amend the Richard B. Russell National School Lunch Act to improve the summer food service program for children.

S. 1022

At the request of Mr. KOHL, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1022, a bill to amend the Richard B. Russell National School Lunch Act to improve the child and adult care food program.

S. 1046

At the request of Mr. BUNNING, his name was withdrawn as a cosponsor of S. 1046, a bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations.

S. 1177

At the request of Mr. HATCH, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1177, a bill to ensure the collection of all cigarette taxes, and for other purposes.

S. 1210

At the request of Mr. JEFFORDS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1210, a bill to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries.

S. 1265

At the request of Mr. CORZINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1265, a bill to limit the applicability of the annual updates to the allowance for State and other taxes in the tables used in the Federal Needs Analysis Methodology for the award

year 2004-2005, published in the Federal Register on May 30, 2003.

S. 1296

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1296, a bill to exempt seaplanes from certain transportation taxes.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1331

At the request of Mr. SANTORUM, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1331, a bill to clarify the treatment of tax attributes under section 108 of the Internal Revenue Code of 1986 for taxpayers which file consolidated returns.

S. 1381

At the request of Mr. MILLER, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1381, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 1414

At the request of Mr. HATCH, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1414, a bill to restore second amendment rights in the District of Columbia.

S. 1419

At the request of Ms. LANDRIEU, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1419, a bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care.

S.J. RES. 17

At the request of Mr. DORGAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S.J. Res. 17, a joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

S. CON. RES. 5

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. Con. Res. 5, a concurrent resolution expressing the support for the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854.

S. CON. RES. 25

At the request of Mr. VOINOVICH, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution recognizing and honoring America's Jewish community on the occasion of its 350th anniversary, supporting the designation of an "American Jewish History Month", and for other purposes.

S. CON. RES. 33

At the request of Mr. CRAIG, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Con. Res. 33, a concurrent resolution expressing the sense of the Congress regarding scleroderma.

S. RES. 107

At the request of Mr. INOUE, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 107, a resolution expressing the sense of the Senate to designate the month of November 2003 as "National Military Family Month".

S. RES. 200

At the request of Mr. JOHNSON, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. Res. 200, a resolution expressing the sense of the Senate that Congress should adopt a conference agreement on the child tax credit and on tax relief for military personnel.

AMENDMENT NO. 1140

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of amendment No. 1140 intended to be proposed to S. 14, a bill to enhance the energy security of the United States, and for other purposes.

AMENDMENT NO. 1384

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 1384 proposed to S. 14, a bill to enhance the energy security of the United States, and for other purposes.

AMENDMENT NO. 1386

At the request of Mr. BOND, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Kentucky (Mr. BUNNING), the Senator from Ohio (Mr. VOINOVICH) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of amendment No. 1386 proposed to S. 14, a bill to enhance the energy security of the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 1480. A bill to amend the Buy American Act to increase the requirement for American-made content, to tighten the waiver provisions, and for other purposes; to the Committee on Governmental Affairs.

Mr. FEINGOLD. Mr. President, today I am introducing legislation to strengthen the Buy American Act of 1933, the statute that governs procurement by the federal government. The name of the act accurately and succinctly describes its purpose: to ensure that the federal government supports domestic companies and domestic workers by buying American-made goods.

While I am a strong supporter of the act, I am concerned that, through abuse of its 5 broad waivers, the spirit—if not

the letter—of the act is being weakened time and again.

It only makes sense, Mr. President, for the federal government to make every effort to purchase goods that are made in America. A law requiring this common-sense approach should not be necessary. Unfortunately, this law is necessary, and the way in which its many loopholes are being used also makes strengthening it necessary.

I have often heard my colleagues say on this floor that American-made goods are the best in the world. I could not agree more. This Congress should do more to ensure that the federal government adheres to this sentiment by enforcing and strengthening the provisions of the Buy American Act.

As we all know the United States manufacturing industry is hemorrhaging, as jobs and companies move overseas or are lost all together. According to the AFL-CIO, the United States has lost more than 2.4 million manufacturing jobs since April 1998. This disturbing trend is of particular concern in my home state of Wisconsin.

A March 2003 report by the Wisconsin State Department of Workforce Development notes that "a combination of weak domestic and global demand, mergers and consolidations, automation, globalization of operations, and uncertainty surrounding war have caused employment in Wisconsin's manufacturing sector to shrink in recent years." The Department found that there were 594,100 manufacturing jobs in Wisconsin in 2000, and the Department estimates that this figure had dropped to 517,100 jobs by June of this year. More than 77,000 jobs lost in just 2½ years, Mr. President. And the people of my state can expect more of the same during the rest of this decade if we don't take action soon.

While the Department expects some sectors to experience an upturn by 2010, it estimates that the people of my state can still expect to lose thousands more manufacturing jobs by 2010.

Much of this can be blamed on flawed trade agreements that the United States has entered into in recent years. The trade policy of this country over the past several years has been appalling. The trade agreements into which we have entered have contributed to the loss of key employers, ravaging entire communities. But despite that clear evidence, we continue to see trade agreements being reached that will only aggravate this problem.

This has to stop. We cannot afford to pursue trade policies that gut our manufacturing sector and send good jobs overseas. We cannot afford to undermine the protections we have established for workers, the environment, and for our public health and safety. And we cannot afford to squander our democratic heritage by entering into trade agreements that supercede our right to govern ourselves through open, democratic institutions.

I will be introducing legislation in the near future to address that problem

directly by establishing minimum standards for the trade agreements into which our nation enters. That measure is a companion to a resolution that will be introduced in the other body by my colleague from Ohio [Mr. BROWN].

Regrettably, some of the blame for the dire situation in which American manufacturing finds itself also lies in our own federal tax and procurement policies, some of which actually encourage American companies to move or incorporate abroad. The Buy American law was enacted 70 years ago to ensure that Federal procurement policies support American jobs.

Some argue that the Buy American Act has outlived its usefulness in today's global economy. I argue that it is as relevant today as it was when it was enacted in 1933. The passage of 70 years has not diminished the importance of this Act for American manufacturing companies or for those who are employed in this crucial sector of our economy. In fact, a strong argument can be made that this Act is even more necessary today than it was 70 years ago. With American jobs heading overseas at an alarming rate, the Government should be doing all it can to make sure that U.S. taxpayer dollars are spent to support American jobs.

Some argue that the Buy American Act is protectionist and anti-free trade. I disagree. Supporting American industry is not protectionist—it is common sense. The erosion of our manufacturing base needs to be stopped, and Congress should support procurement and trade policies that help to ensure that we do not continue to lose portions of this vital segment of our economy.

The legislation that I introduce today, the Buy American Improvement Act, would strengthen the existing Act by tightening existing waivers and would require that information be provided to Congress and to the American people about how often the provisions of this Act are waived by Federal departments and agencies.

As I noted earlier, there are currently five primary waivers in the Buy American Act. The first allows an agency head to waive the Act's provisions if a determination is made that complying with the Act would be "inconsistent with the public interest." I am concerned that this waiver, which includes no definition for what is "inconsistent with the public interest" is actually a gaping loophole that gives broad discretion to department secretaries and agency heads. My bill would clarify this so-called "public interest" waiver provision to prohibit it from being invoked by an agency or department head after a request for procurement (RFP) has been published in the Federal Register. Once the bidding process has begun, the Federal Government should not be able to pull an RFP by saying that it is in the "public interest" to do so. This determination, sometimes referred to as the Buy